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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,185	10/11/2005	Kerry D Hinson	1-17671	2663
68459	7590	12/11/2007		
MARSHALL & MELHORN, LLC			EXAMINER	
FOUR SEAGATE			ESHETE, ZELALEM	
8TH FLOOR				
TOLEDO, OH 43804			ART UNIT	PAPER NUMBER
			3748	
			MAIL DATE	DELIVERY MODE
			12/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/524,185

Applicant(s)

HINSON ET AL.

Examiner

Zelalem Eshete

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

This Office action is in response to the amendment filed on 10/12/2007.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11,2,3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Platz (6,416,341) in view of Glovatsky et al. (6,186,106).

Regarding claim 11: Platz discloses an electrical bridge system between an electrical source and an electrical device (see figure 1): a housing shaped to integrally comprise both an external electrical connector on an exterior of said housing (see numeral 3) and an internal electrical connector on an interior of said housing (see numeral 5), each connector integrally formed with one or more electrical leads integrally formed in and through the housing, said housing comprising a non-conductive material; and a base component; wherein, when said housing is mounted to said base component (see abstract; figure 1), an enclosure is defined therein, said connectors and

said leads forming an electrical bridge from an electrical source located outside said enclosure to an electrical device located inside said (see figure 1; numeral 7).

Platz fails to disclose said internal electrical connector comprising at least two male portions extending essentially perpendicular from said interior of said housing and said electrical leads extending between said male portions; thereby said internal connector facilitating an electrical connection to said electric device.

However, Glovatsky teaches internal electrical connector comprising at least two male portions extending and said electrical leads extending between said male portions (see column 8, lines 1 to 10). Glovatsky further teaches that such arrangement provides removable connectivity (see column 8, lines 1 to 10).

It would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the system of Platz by providing male connectors as taught by Glovatsky in order to provide removable connectivity as taught by Glovatsky.

Regarding claim 2: Platz discloses a seal disposed between the base component and the housing (see figure 1; numeral 8).

Regarding claim 3: Platz discloses the housing is formed of one of a plastic and a rubber material (see abstract).

3. Claims 4,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Platz in view of Glovatsky and further in view of Mathew et al (5,035,637).

Regarding claims 4: Platz as modified above discloses the claimed invention as recited above; however, fails to disclose for use with a valve cover for an internal combustion engine vehicle.

However, Mathew teaches for use with a valve cover for an internal combustion engine vehicle (see abstract; title).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Platz as modified above by adapting the device for use in internal combustion as taught by Mathew in order to actuate electrical driven components located within the valve cover.

Regarding claim 5: Mathew discloses the base component comprises a cylinder head of the internal combustion engine (see numeral 28).

4. Claims 6-8,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Platz in view of Glovatsky and further in view of Mathew; and further in view of Billimack et al. (6,371,073).

Regarding claim 6: Platz as modified above discloses the claimed invention as recited above; however, fails to disclose the cover comprises an oil pan.

However, Billimack teaches the cover comprises an oil pan, in that Billimack teaches the cover or oil pan cover upon the cylinder head (see column 4, lines 30 to 35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Platz as modified above by providing an oil pan as taught by Billimack in order to lubricate the moving parts in the cylinder head.

Regarding claim 10: Billimack discloses the base component comprises transmission in that the Billimack discloses a base component that is flywheel housing (18) or engine cylinder block (16) (see the figure).

Regarding claim 7: Mathew as modified above discloses the housing comprises a bottom "pan" flange (see labeled figure above).

Regarding claim 8: Mathew discloses a "premold" positioned along a periphery of the bottom pan flange (see numeral 12). As to the method of "premold", a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon the applicants to come forward with evidence establishing an unobvious difference between the two. See *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983)

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Platz as modified above and further in view of Lee (5,863,424).

Platz as modified above discloses the claimed invention as recited above; and further discloses the internal connector integrally formed with one or more electrical leads therein, the external electrical leads in electrical communication with the internal electrical leads (see figure 1); however, fails to disclose a gasket disposed between the bottom pan flange and a fluid filter.

However, Lee teaches a gasket disposed between the bottom flange and a fluid filter (see figure 12).

It would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the system of Platz as modified above by providing a gasket between the flange and filter as taught by Lee in order to seal the connection between the flange and the filter.

### ***Response to Arguments***

6. Applicant's arguments filed 10/12/2007 have been fully considered but they are not persuasive.

7. With respect to applicant's argument on pages 7,8,13: In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck &*

Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this instance, the primary reference discloses the claimed subject matter except for its use as a valve cover. It is only this deficiency that the secondary reference is relied.

8. Applicant's arguments with respect to claims 9,11 have been considered but are moot in view of the new ground(s) of rejection.

9. With respect to applicant's argument on pages 9,10, it is moot because of the newly formatted rejection in this Office action. The present rejection states that it is obvious to modify the device of Platz as modified above (and not just Mathew).

10. With respect to applicant's argument on page 11: applicant's argument based on the specification is not commensurate with the scope of the claim.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zelalem Eshete whose telephone number is (571) 272-4860. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zelalem Eshete  
Primary Examiner  
Art Unit 3748

